

**REMARKS**

Claims 1-24 remain pending in this application. Claims 1-24 are rejected. Claim 8 is cancelled. Claims 1-7, 9-18, 21 and 24 are amended herein to clarify the invention and to express the invention in alternative wording.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims and objections cited in the above-referenced Office Action.

The applicant and applicant's attorney appreciate the Examiner's granting of the telephone interview conducted on September 3, 2008, and extend their thanks to the Examiner and his Supervisor for their time and consideration.

During the interview, the Examiner's Supervisor indicated that he considered it necessary to use terms more specific to the disclosure, in particular, replacing the terms "photographing request input device" and "indicator" respectively with "photographing request button/switch" and "photographing request lamp," in order for the claims to be supported by the written description. The Supervisor indicated that all other terms in issue were considered to be acceptable (including "accommodatable" and "portable"), provided applicant indicates the meaning of such terms with reference to the disclosure in this response.

While no agreement was reached regarding the substantive rejections, the Examiner's Supervisor suggested that the claims be revised to recite more specific structural distinctions over the applied combinations. The claim amendments herein reflect the discussions had during the interview.

The disclosure is objected to for the use of various noted terms in the claims that allegedly are not supported by the specification. As noted above, the terms found objectionable have been replaced with what are believed to be acceptable terms finding support in the specification, and as guided by the discussions had in the interview. As explained during the interview, the term "accommodatable" was selected as a generic term embracing both "holdable" and "wearable" by a user. The term "portable" is intended to distinguish over something that is not readily transportable or which cannot be comfortably, or indeed conceivably, carried or held on someone's person. In light of the above, withdrawal of the objection to the disclosure is respectfully requested.

Claims 1-17 are rejected under 35 U.S.C. § 112, first paragraph, for containing subject matter lacking an adequate written description in the specification. Applicant herein respectfully traverses this rejection. As noted above, the terms set forth in the rejection, which were not otherwise resolved in the interview, as mentioned above, are now replaced with ones indicated as acceptable during the referenced interview. Therefore, reconsideration of the rejection claims 1-17 is earnestly solicited.

Claim 9 is objected to for inclusion of a typographical oversight. The claim is amended to remove an extraneous inclusion of the phrase "(Previously presented)" Withdrawal of the objection is respectfully requested.

Claims 1-4, 6, 8-18, 22 and 24 are rejected as obvious over Walker et al. (US 2002/0196342) in view of Examiner's official notice under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

Applicant respectfully submits that a prima facie case of obviousness could not be established in rejection independent claims 1 and 18, ant the rejected claims dependnet therefrom, since the proffered combination of references fails to teach or suggest all claimed elements.

In particular, nowhere in Walker or in accordance with the examiner's official notice is a photographing request switch that is operable by the player after the game machine communicates the result to the player or a photographing request lamp on the game machine which is lit in response to the player operating the photographing request switch which indicates a request for recording an image of the player ever mentioned or suggested, as recited in claim 1. The Examiner's comments in support of his rejections entirely neglect to address these claimed recitations, and the Examiner improperly gives no patentable weight to positively recited elements. Furthermore, claim 1 recites a portable device including a display for visually displaying result data representative of the result of the game and which is available at a time when said result of said game is revealed to the player in said game hall and in the possession of a clerk in charge of taking the image and who approaches said

player with a camera in response to a lighting of the photographing request lamp. Applicant finds no such teaching or suggestion in Walker et al. The strictly slots, November 200 reference provides no enabling disclosure for a display (such as the giant check) that is available at the time of winning. Also, the Examiner's comparison to a display used for photographing criminals is misplaced, since such photo is certainly not taken at the request of the criminal, and therefore such art teaches away from the present invention.

Regarding claim 18, directed to a method, the claim recites methodology, none of which is taught or suggested by any of the applied art of record. For example, the disclosure of Walker et al. and the other art cited by official notice is silent regarding 1) assigning a clerk as a photographer in charge of photographing who is admitted to execute photographing in a game hall; 2) issuing a photographing request signal in accordance with an intention of the player which is communicated to the clerk; 3) having the clerk approach the player with a display apparatus and a camera; 4) displaying at least one of a winning pattern, the amount of a prize, the amount of dropped money, or a winning multiplication of contents of a game on the game machine or a display apparatus; and 5) photographing the player and the game machine and the display apparatus, which displays the contents of the game, such that the player and the game machine and the display apparatus are photographed in one frame, wherein the display apparatus is held or worn on a person of the player at a

time of the photographing. Applicant respectfully submits that none of these method recitations have been addressed on a step by step basis.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited reference for the reasons stated above. Reconsideration of the rejections of claims 1-4, 6, 8-18, 22 and 24 and their allowance are respectfully requested.

Claim 5 is rejected as obvious over Walker et al. (US 2002/0196342) in view of Yagyu (US 6,037,922) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

The Examiner and his Supervisor admitted in response to arguments present by applicant's counsel that the grounds of this rejection are inadequate to support a *prima facie* case of obviousness. In particular, the secondary reference fails to teach or suggest any of the recited elements admitted as absent from Walker et al. reference.

Thus, it is respectfully submitted that the rejected claim is not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejection of claim 5 and its allowance are respectfully requested.

It is further noted that the above discussed feature was present in the originally filed claims. Accordingly, it is respectfully submitted that a next Office Action cannot be made final.

Claims 7, 19, 20, 21 and 23 are rejected as obvious over Walker et al. (US 2002/0196342) in view of Pike et al. (US 5,306,028) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

Applicant respectfully submits that Pike fails to adequately supplement the clearly and admittedly deficient teachings of Walker et al. Additionally, the disclosure of Pike is limited to a cart for change, and makes no mention whatsoever of a camera or other photographing equipment. While the Examiner argues that “it would have been common sense for the clerk to put any photo equipment in the cart,” he has failed to explain what incentive or motivation the clerk would have to have such photographic equipment at hand in the first place based merely upon the reference disclosure alone, since the reference is concerned only with coin change availability and dispensing. As such, the applicant avers that the Examiner is improperly using applicant’s disclosure to infer motivation into the cited references which is simply not present. It is improper as a matter of law to use the claims presented as a blueprint to combine prior art references. *Ashland oil, Inc. v. Delta Resins & Refractories, Inc.* , 227 USPQ 657, 667 (CAFC 1985).

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited reference for the reasons stated above. Reconsideration of the rejections of claims 7, 19, 20, 21 and 23 and their allowance are respectfully requested.

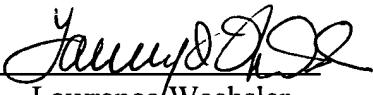
Applicant respectfully requests a three (3) month extension of time for responding to the Office Action. Please charge the fee of \$1,110 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
JORDAN AND HAMBURG LLP

By   
C. Bruce Hamburg  
Reg. No. 22,389  
Attorney for Applicant  
and,

By   
Lawrence Wechsler  
Reg. No. 36,049  
Attorney for Applicant

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340